

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK WITRIOL,

Case No. CO5-02392 MJJ

Plaintiff,

**STIPULATION AND ORDER TO  
TRANSFER CASES**

v.

GRANTED

LEXISNEXIS GROUP, *et al*

Judge: Hon. Martin J. Jenkins  
Complaint Filed: June 13, 2005

Defendants.

**WHEREAS**, Reed Elsevier, Seisent, and LexisNexis Group are defendants in two pending actions alleging, among other things, that defendants disclosed consumer reports and personal information about plaintiffs and proposed class members without their consent or authorization to third parties who lacked any permissible purpose for receiving and using such information:

1. *Syran v. LexisNexis Group, et al*, United States District Court for the Southern District of California, Case No. 05-CV-0909 (LAB), filed April 28, 2005; and

2. *Witriol v. LexisNexis Group, et al*, United States District Court for the Northern District of California, Case No. CO5-02392 (MJJ), filed June 13, 2005.

**WHEREAS**, after meeting and conferring, the parties recognize that transfer of these two cases to one court may be appropriate because a) the two actions arise from a similar course of

1 alleged events, b) the claims asserted in the two actions are premised on substantially similar  
2 legal theories, c) absent transfer and consolidation there would be a substantial risk of  
3 inconsistent and/or conflicting rulings related to the same putative class, and d) transfer would  
4 promote efficiency and judicial economy related to anticipated extensive pretrial and trial  
5 activities.

6       **WHEREFORE** the parties stipulate that these two cases should be transferred to one  
7 court for all purposes, since they arise from the same or similar patterns of alleged conduct and  
8 assert claims premised upon the same or similar factual allegations and legal theories. Transfer  
9 will promote the ends of justice by avoiding both duplicative discovery and the risk of an  
10 inconsistent adjudication of rights and obligations. Also, because the two cases address  
11 allegations involving potential overlapping class claims, transfer is appropriate because it would  
12 best serve the interests of the litigants, the absent class members (assuming certification is  
13 granted), and the judiciary.

14       **WHEREFORE**, the parties recommend that the proceedings be heard in the Southern  
15 District of California since the first filing (the *Syran* case) was in that District.

1 Dated: August 24, 2006

SCOTT EDWARD COLE  
CLYDE H. CHARLTON  
MATTHEW R. BAINER  
SCOTT COLE & ASSOCIATES, A.P.C.

4 By Clyde H. Charlton for  
5 Scott Edward Cole

6 Attorneys for Plaintiff  
7 MARK WITRIOL

8 Dated: August 23, 2006

JAMES F. McCABE  
JAMES R. McGUIRE  
RITA F. LIN  
MORRISON & FOERSTER LLP

11 By Rita F. Lin  
12 Rita F. Lin

13 Attorneys for Defendants  
14 LEXISNEXIS GROUP, REED  
15 ELSEVIER, INC., and SEISINT, INC.

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17 **ORDER**

18 **GOOD CAUSE APPEARING**, it is ordered that *Witriol v. LexisNexis Group, et al.*  
19 United States District Court for the Northern District of California, Case No. C05-02392 (MJJ) is  
20 hereby transferred to the United States District Court for the Southern District of California with  
21 *Syran v. LexisNexis Group, et al.* United States District Court for the Southern District of  
22 California, Case No. 05-CV-0909 (LAB).

24 Dated: AUGUST 30, 2006

25 Martin J. Jenkins  
26 HONORABLE MARTIN J. JENKINS  
27 UNITED STATES DISTRICT JUDGE  
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